

1 **TIFFANY & BOSCO**
2 **P.A.**

3 **2525 EAST CAMELBACK ROAD**

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6 **TELEPHONE: (602) 255-6000**

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8 Mark S. Bosco

9 State Bar No. 010167

10 Leonard J. McDonald

11 State Bar No. 014228

12 Attorneys for Movant

13 09-22545 / 6003239926

14 **IN THE UNITED STATES BANKRUPTCY COURT**

15 **FOR THE DISTRICT OF ARIZONA**

16 IN RE:

17 Gary Leo Wiggins and Karman Kay Wiggins

18 Debtors.

19 No. 2:09-BK-21535-SSC

20 Chapter 7

21 NOTICE OF LODGING ORDER

22 U.S. Bank, N.A., its agent, by and through its undersigned attorneys, hereby gives notice of the
23 Lodging an Order for Relief, a copy of which is attached hereto as Exhibit "A".

24 DATED this 24th day of November, 2009.

25 Respectfully submitted,

26 TIFFANY & BOSCO, P.A.

BY /s/ MSB # 010167

Mark S. Bosco

Leonard J. McDonald

Attorneys for Movant

1 Copy of the foregoing was
2 mailed this 24th day of November, 2009

3 Gary Leo Wiggins and Karman Kay Wiggins
4 2248 S. Sorrelle St
5 Mesa, AZ 85209
6 Debtors

7 Benjamin Loren Dodge
8 4824 E. Baseline Rd., STE 124
9 Mesa, AZ 85206
10 Attorney for Debtors

11 Maureen Gaughan
12 P.O. Box 6729
13 Chandler, AZ 85246-6729
14 Trustee

15 U.S. Trustee
16 230 North 1st Avenue
17 Phoenix, AZ 85003-1706

18 By: Anne Mallette
19
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21
22
23
24
25
26

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IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF ARIZONA

IN RE:

Gary Leo Wiggins and Karman Kay Wiggins
Debtors.

U.S. Bank, N.A.

Movant,

vs.

Gary Leo Wiggins and Karman Kay Wiggins,
Debtors, Maureen Gaughan, Trustee.

Respondents.

No. 2:09-BK-21535-SSC

Chapter 7

ORDER

(Related to Docket #12)

Movant's Motion for Relief from the Automatic Stay and Notice along with the form of proposed Order Lifting Stay, having been duly served upon Respondents, Respondents' counsel and Trustee, if any, and no objection having been received, and good cause appearing therefor,

IT IS HEREBY ORDERED that all stays and injunctions, including the automatic stays imposed by U.S. Bankruptcy Code 362(a) are hereby vacated as to Movant with respect to that certain real

EXHIBIT "A"

1 property which is the subject of a Deed of Trust dated March 19, 2008 and recorded in the office of the
2 Maricopa County Recorder wherein U.S. Bank, N.A. is the current beneficiary and Gary Leo Wiggins
3 and Karman Kay Wiggins have an interest in, further described as:

4 LOT 6, AUGUSTA RANCH PARCEL 12 FINAL PLAT, ACCORDING TO BOOK 509 OF
5 MAPS, PAGE 25, RECORDS OF MARICOPA COUNTY, ARIZONA. EXCEPT ALL
6 MINERAL RIGHTS, OIL, GAS, HYDROCARBON AND SIMILAR RIGHTS, ALL WATER
7 RIGHTS, GEOTHERMAL STEAM AND STEAM POWER BELOW A DEPTH OF 500 FEET
8 BELOW THE SURFACE AS RESERVED IN INSTRUMENT RECORDED IN DOCKET
9 13675, PAGE 812, RECORDS OF MARICOPA COUNTY, ARIZONA.

10 IT IS FURTHER ORDERED that Movant may contact the Debtors by telephone or written
11 correspondence regarding a potential Forbearance Agreement, Loan Modification, Refinance
12 Agreement, or other Loan Workout/Loss Mitigation Agreement, and may enter into such agreement
13 with Debtors. However, Movant may not enforce, or threaten to enforce, any personal liability against
14 Debtors if Debtors' personal liability is discharged in this bankruptcy case.

15 IT IS FURTHER ORDERED that this Order shall remain in effect in any bankruptcy chapter to
16 which the Debtor may convert.

17 DATED this ____ day of _____, 2009

18 _____
19 JUDGE OF THE U.S. BANKRUPTCY COURT
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